

1                                   BEFORE THE BOARD OF MEDICAL EXAMINERS

2   IN THE STATE OF ARIZONA

3  
4 In the Matter of

5 **NATHAN D. GOLDENTHAL, M.D.**

6 Holder of License No. 9600  
7 For the Practice of Medicine  
8 In the State of Arizona.

**INVESTIGATION NOS. 7422, 7495,  
9906 & 12944**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER  
(Letter of Reprimand & Probation)**

9   **INTRODUCTION**

10           This matter was initially heard and considered by the Arizona Board of Medical  
11 Examiners (Board) at its public meeting on February 3, 2000, at which Nathan D.  
12 Goldenthal, M.D. appeared, with his legal counsel, Gordon Lewis, attorney at law, before  
13 the Board for the purpose of the Board conducting a formal interview, pursuant to the  
14 authority vested in it by A.R.S. § 32-1451(G). On April 26, 2000, the Board resumed  
15 consideration of the matter for the purpose of reviewing and approving the following  
16 Findings of Fact, Conclusions of Law and Order. After due consideration of the facts and  
17 law applicable to this matter, the Board voted to approve issuance of the following  
18 Findings of Fact, Conclusions of Law and Order.

19   **FINDINGS OF FACT**

20           1.     The Board is the duly constituted authority for the regulation and control of  
21 the practice of allopathic medicine in the State of Arizona.

22           2.     Dr. Goldenthal is the holder of License No. 9600 for the practice of medicine  
23 in the State of Arizona.

24           3.     Investigation Nos. 7422, 7495 and 9906 were initiated after the Board  
25 received complaints concerning billing, appropriateness of physical therapy for patients,

1 and administration of appropriate medications.

2 4. On December 18, 1997, Dr. Goldenthal was issued an Interim Order to take  
3 and pass the Special Purpose Licensing Examination (SPEX) within ten (10) weeks. Dr.  
4 Goldenthal failed to take the SPEX examination.

5 5. Investigation No. 12944 was then initiated by the Board due to Dr.  
6 Goldenthal's failure to comply with the Board's Interim Order dated December 18, 1997.

7 6. On June 2, 1999, the Interim Order was reissued and personally served on  
8 Dr. Goldenthal. Dr. Goldenthal again failed to take the SPEX examination.

9 7. On February 3, 2000, Dr. Goldenthal appeared before the Board for a formal  
10 interview, during which he admitted to receiving both Board orders to take the SPEX  
11 examination and was deliberately not complying with the Board orders.

#### 12 CONCLUSIONS OF LAW

13 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.  
14 Goldenthal.

15 2. The conduct and circumstances described above in paragraphs 4 to 7  
16 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)(violating a formal  
17 order, probation, consent agreement or stipulation issued or entered into by the board or  
18 its executive director under the provisions of this chapter.)

#### 19 ORDER

20 Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby  
21 ordered that:

22 1. Dr. Goldenthal is issued a Letter of Reprimand and a civil penalty of \$5000  
23 for failing to comply with Board orders.

24 2. Dr. Goldenthal is placed on probation for one (1) year with the following term:

25 (A) Board staff shall conduct a practice survey and billing review of Dr.

1 Goldenthal's practice. The survey shall be completed within six (6) months. Board staff  
2 shall report their findings to the Board. The Board retains jurisdiction to take additional  
3 disciplinary action, including opening a new investigation, based upon the results of the  
4 practice survey and billing review. If the Board determines that the results of the practice  
5 survey and billing review are satisfactory, Investigation Nos. 9906, 7422, and 7495 will be  
6 closed.

7 **RIGHT TO PETITION FOR REVIEW**

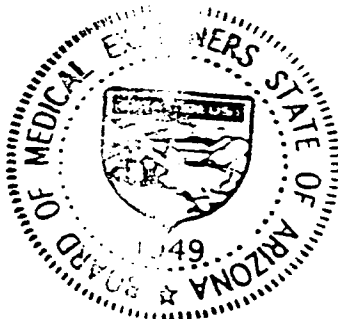
8 Dr. Goldenthal is hereby notified that he has the right to petition for a rehearing.  
9 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with  
10 the Board's Executive Director within thirty (30) days after service of this Order and  
11 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a  
12 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a  
13 petition for rehearing is not filed, the order becomes effective thirty-five (35) days after it  
14 has been mailed.

15 Dr. Goldenthal is further notified that the filing of a petition for rehearing is required  
16 to preserve any rights of appeal to the superior court that he may wish to pursue.

17 DATED this 2<sup>nd</sup> day of May, 2000.

18 BOARD OF MEDICAL EXAMINERS  
19 OF THE STATE OF ARIZONA

20 [SEAL]



21 By Claudia Foutz  
22 CLAUDIA FOUTZ  
23 Executive Director  
24 TOM ADAMS  
25 Assistant Director, Regulation

1 **ORIGINAL** of the foregoing filed this  
2 5<sup>th</sup> Day of May, 2000, with:

3 The Arizona Board of Medical Examiners  
4 1651 East Morten, Suite 210  
5 Phoenix, AZ 85020

6 **EXECUTED COPY** of the foregoing mailed by Certified  
7 Mail this 5<sup>th</sup> day of May, 2000, to:

8 Nathan D. Goldenthal, M.D.  
9 17233 N. 60<sup>th</sup> Pl.  
10 Scottsdale, AZ 85254

11 **EXECUTED COPY** of the foregoing mailed  
12 this 5<sup>th</sup> day of May, 2000, to:

13 Gordon Lewis  
14 Attorney at Law  
15 Jennings, Strouss & Salmon PLC  
16 2 N. Central, 16 Floor  
17 Phoenix, AZ 85004-2393  
18 (Attorney for Dr. Goldenthal)

19 **COPY** of the foregoing hand delivered this  
20 5<sup>th</sup> day of May, 2000, to:

21 Gordon Bueler  
22 Assistant Attorney General  
23 c/o Arizona Board of Medical Examiners  
24 1651 East Morten, Suite 210  
25 Phoenix, AZ 85020

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27 \_\_\_\_\_  
28 Board Operations